

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RODGER A. GRIFFIN,

Petitioner,

vs.

STATE OF WASHINGTON,

Respondent.

NO. CV-05-192-EFS

ORDER DISMISSING PETITION

By Order filed August 1, 2005, the court directed Petitioner, a prisoner currently housed at the Montana State Penitentiary in Deer Lodge, Montana, to amend his petition. Specifically, the court noted it appeared Plaintiff's guilty plea had waived his claim to a speedy trial. *Cf. United States v. Bohn*, 956 F.2d 208, 209 (9th Cir. 1992) (holding that a defendant's unconditional guilty plea waives his right to a speedy trial under the Speedy Trial Act); *see also New York v. Hill*, 528 U.S. 110 (2000) (holding that a defendant can waive his right to a speedy trial under the IAD). In addition, Petitioner failed to demonstrate he had exhausted his claims to the State's highest court. 28 U.S.C. § 2254(b)(1). *Rose v. Lundy*, 455 U.S. 509, 518-20 (1982).

Although granted the opportunity to do so, Plaintiff failed to amend his petition to state a viable habeas claim against a proper

1 party Respondent. Accordingly, for the reasons set forth above and in
2 the Order to Amend Petition (Ct. Rec. 8), **IT IS ORDERED** the Petition
3 (Ct. Rec. 6) is **DISMISSED** without prejudice for failure to exhaust
4 state court remedies.

5 **IT IS SO ORDERED.** The District Court Executive is directed to
6 enter this Order, enter judgment, and forward a copy to Petitioner at
7 his last known address.

8 **DATED** this 19th day of October 2005.

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10 S/ Edward F. Shea
11 EDWARD F. SHEA
12 UNITED STATES DISTRICT JUDGE
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